

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUSAN CLARA KAMARA,

Plaintiff,

-against-

CALSHEA RESTAURANT CORP., et al.,

Defendants.
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USDC SDNY
DOCUMENT
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DATE FILED: 4/9/2019

18-CV-2761 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

In this Fair Labor Standards Act case, the parties filed a proposed settlement agreement for court approval on February 15, 2019. (Doc. 30.) Having reviewed the proposed settlement agreement, the letter filed in support of the agreement, and the billing records submitted by Plaintiff's counsel, I find that the agreement is fair and reasonable under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and its progeny. The total settlement amount is \$20,000, of which Plaintiff will receive \$13,034.85, and her counsel will receive \$6,965.15 to cover fees and costs. (Doc. 30.) The settlement amount is approximately 67 percent of the total recovery that would be available to Plaintiff at trial. (*Id.*) This percentage recovery is well within the potential recoveries that other courts have found to be reasonable. *See, e.g., Larrea v. FPC Coffees Realty Co.*, No. 15-CIV-1515 (RA), 2017 WL 1857246, at *2 (S.D.N.Y. May 5, 2017) (finding that plaintiff's recovery of 43 percent of the anticipated maximum recovery was fair and reasonable). Plaintiff's attorney will receive one third of the total settlement amount in attorney's fees. (Doc. 30.) Courts in this district routinely find awards of one-third of the total recovery as a fee to be reasonable. *See Febus v. Guardian First Funding Grp., LLC*, 870 F.

Supp. 2d 337, 340 (S.D.N.Y. 2012) (“[A] fee that is one-third of the fund is typical” in FLSA cases). The settlement is therefore APPROVED, and this action is DISMISSED with prejudice.

SO ORDERED.

Dated: April 9, 2019
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and the last name "Broderick" follows in a similar cursive script.

Vernon S. Broderick
United States District Judge